REMARKS

The Examiner has rejected Claims 1-10, 15, 16, 27-36, 41, 42, 53-62, 67, and 68 under 35 U.S.C. 102(e) as being anticipated by Bates (USPN 6,785,732). Applicant respectfully disagrees with this rejection, especially in view of the amendments made hereinabove. Specifically, each of the independent claims (i.e. Claims 1, 15, 27, 41, 53, and 67) has been amended to include the subject matter of former dependent Claims 6, 7, 9 et al. Further, independent Claims 1, 27, and 53 have been amended to include the subject matter of former dependent Claim 4 et al. In addition, claims 17, 43, and 69 have been amended to correct typographical errors. Claims 2-4; 6-7; 9; 18-19; 21; 28-30; 32-33; 35; 44-45; 47; 54-56; 58-59; 61; 70-71; and 73 have been cancelled. Claims 79-86 have been added.

With respect to independent Claims 1, 27, and 53, the Examiner has rejected the subject matter of former Claim 4 et al. (now incorporated into each of the subject claims) to meet applicant's claimed "wherein access to the Web page is allowed before determining whether the Web page is included in the database."

> "The virus checking preferences 128 for a particular user may be setup by the web server sending a web page or other message to the user via the web client. One suitable example of a sample web page for setting up user virus checking preferences is shown as a display window 600 in FIG. 6. The user may click on radio buttons to determine whether e-mail, downloaded files, and web pages are never checked, checked by explicit request of the user, or always checked automatically for viruses before the web server delivers these items to the user via the web client." (col. 8, lines 45-54)

Applicant respectfully disagrees with this assertion. Bates merely suggests that web pages are "checked automatically for viruses before the web server delivers these items to the user via the web client," "never checked," etc. None of these conditions meet applicant's claimed allowing access to the web page *before* determining whether the Web page is included in the database. In fact, Bates *teaches away* from such claimed

subject matter by only allowing access *after* any sort of checking. See operations 954 and 916 of Figure 9 in Bates, for example, which both follow decision 922 in all cases. Only applicant teaches and claims allowing access to the web page before determining whether the Web page is included in the database. It should be noted that "never check[ing]" the web pages, as taught in Bates, simply does not meet applicant's claims, since no determination is made.

With respect to independent Claims 15, 41, and 67, the Examiner has relied on Figure 9 and the following excerpts from Bates to meet applicant's claimed "receiving information identifying a first Web page to be hosted by the Web hosting system" and "allowing hosting of the first Web page based on whether the Web page includes a link to a Web site that is included in the database" (see this or similar, but not identical subject matter in each of the foregoing cited claims).

> "If, however, the checking of web pages for viruses is enabled (step 914=YES), the uniform resource locator (URL) for the web page and for all links on the web page are compared to a list of known URLs in the virus information database 138 that were previously sources for viruses (step 920)." (col. 10, lines 59-63)

Applicant respectfully disagrees with this assertion. Specifically, the foregoing excerpts merely suggest what is performed "when a web client requests a web page." In sharp contrast, applicant teaches and claims "receiving information identifying a first Web page to be hosted by the Web hosting system" and "allowing hosting of the first Web page based on whether the Web page includes a link to a Web site that is included in the database" (emphasis added - see this or similar, but not identical subject matter in each of the foregoing cited claims). Thus, only applicant teaches and claims the foregoing claimed technique for protecting a Web hosting system, as opposed to users downloading web pages.

With respect to the subject matter of former Claims 6, 7, 9 et al. (now incorporated into each of the independent claims, the Examiner has relied on Figure 10 and the following excerpts from Bates to meet applicant's claimed "wherein the database of Web sites related to computer viruses is generated by: extracting, from a first Web page, a link to a second Web page; fetching the second Web page using the link; scanning the second Web page for computer viruses; and storing information relating to a Web site that is hosting the second Web page in the database; wherein further included are the steps of: extracting, from each Web page fetched, links to other Web pages; fetching the other Web pages using the links; scanning the other Web pages for computer viruses; and storing information relating to Web sites that are hosting the other Web pages in the database. (see this or similar, but not identical subject matter in each of the independent claims).

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"Virus information database 138 may include a
specification of known viruses, along with statistics
for which ones have been encountered and when. In
addition, virus information database 138 may include a
list of web sites that are known to contain viruses,
or from where viruses were downloaded. A web site that
contains a virus or from which a virus was downloaded
is referred to herein as a "bad" URL. Using the virus
information database 138, web page virus processing
mechanism 132 can warn a web client that has requested
a web page at a bad URL, or that has requested a web
page that includes links to a bad URL." (col. 6, lines
10-20)

If, however, the checking of web pages for viruses is
enabled (step 914=YES), the uniform resource locator
(URL) for the web page and for all links on the web
page are compared to a list of known URLs in the virus
information database 138 that were previously sources
for viruses (step 920)." (col. 10, lines 59-63)
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Applicant respectfully disagrees with this assertion. In particular, the foregoing excerpts merely suggest a database with a list of known bad URLs, whereby the URL for each web page and for all links on the web page are compared to such list of known URLs. In sharp contrast, applicant teaches and claims more than merely review of such

URLs, but rather fetching other Web pages associated with the links so that they may be scanned and information relating to the Web sites may be stored, as claimed.

The Examiner is reminded that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. Of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, the identical invention must be shown in as complete detail as contained in the claim. *Richardson v. Suzuki Motor Co.* 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.

This criterion has simply not been met by the Bates reference, in view of the remarks made hereinabove. Thus, Claims 1-10, 15, 16, 27-36, 41, 42, 53-62, 67, and 68 are not anticipated by Bates. A notice of allowance or a specific prior art showing of all of applicant's claim limitations, in combination with the remaining claim elements, is respectfully requested.

Applicant further notes that the dependent claims are further replete with deficiencies. Just by way of example, the Examiner has rejected Claims 11-14, 23-26, 37-40, 49-50, 63-66, and 75-78 under 35 USC 103(a) as being unpatentable over Bates, in view of "Virus Alert, 02/21/2001" UVA Information Technology and Communication. Applicant respectfully disagrees with this rejection.

Specifically, the Examiner has relied on the following excerpts from Bates to meet applicant's claimed "fetching the second Web page using the link; scanning the second Web page for terminology relating to computer viruses; reviewing content of the second Web page to determine whether a Web site hosting the second Web page is virus hosting" (see Claim 11 et al).

> "According to the preferred embodiments, a web server computer system includes a virus checker and mechanisms for checking e-mails and their attachments,

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downloaded files, and web sites for possible viruses."
(col. 2, lines 10-13)
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"If, however, the checking of web pages for viruses is
enabled (step 914=YES), the uniform resource locator
(URL) for the web page and for all links on the web
page are compared to a list of known URLs in the virus
information database 138 that were previously sources
for viruses (step 920)." (col. 10, lines 59-63)
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Applicant respectfully disagrees with this assertion. As mentioned previously, Bates makes no disclosure of "fetching the second Web page using the link," and as such, there is no "scanning the second Web page," as claimed. Still yet, Bates makes absolutely no mention of scanning "for terminology relating to computer viruses," and "reviewing content of the second Web page to determine whether a Web site hosting the second Web page is virus hosting" (emphasis added), as claimed. Still yet, applicant contends that the Examiner's secondary reference is similarly deficient.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck,* 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir.1991).

Applicant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art references, when combined, fail to teach or suggest all of the claim limitations, as noted above. Thus, Claims 11-14, 23-26, 37-40, 49-50, 63-66, and 75-78 are not unpatentable over Bates, in view of "Virus Alert, 02/21/2001" A notice of allowance or a specific prior art showing of all of applicant's

claim limitations, in combination with the remaining claim elements, is respectfully requested.

The Examiner has rejected Claims 17-22, 43-48, and 69-74 under 35 USC 103(a) as being unpatentable over Bates. Even if the modifications to Bates suggested by the Examiner were made, the result would still not be the present invention, as claimed. In particular, even if Bates were modified as suggested by the Examiner, the modified Bates would still not disclose or suggest the required elements of Claims 15, 41, and 67, as discussed above, from which Claims 17-22, 43-48, and 69-74 depend. Thus, Claims 17-22, 43-48, and 69-74 are not unpatentable over Bates. A notice of allowance or a specific prior art showing of all of applicant's claim limitations, in combination with the remaining claim elements, is respectfully requested.

Still yet, applicant brings to the Examiner's attention the following additional dependent claims that have been added, for full consideration:

"wherein the terminology includes virus specific keywords" (see Claim 79);

"wherein the terminology includes information relating to virus-making techniques" (see Claim 80);

"wherein the generating is carried out automatically utilizing a web crawler" (see Claim 81);

"wherein the generating begins by crawling pages included in a user repository of links, links entered by users, known virus sites, links from HTML pages, virus and trojan alerts, links entered through a newsgroups, and search engine results" (see Claim 82);

"wherein the information includes status information for causing the revisiting of HTML pages after a period of time" (see Claim 83);

"wherein the information includes status information for causing the revisiting of HTML pages if false information is detected" (see Claim 84);

"wherein the information includes status information for preventing revisiting of HTML pages" (see Claim 85);

"wherein a capability is provided to monitor a progress of the web crawler to ensure that all pending links are scanned, wherein a further capability is provided to periodically update scanning of sites that have already been scanned" (see Claim 86); and

"wherein the database includes a plurality of records each with a server field, a path field, a name field, an options field, a date visited field, a date modified field, a DAT version field, an engine version field, a virus field, and a file name field" (see Claim 87).

Again, a notice of allowance or a specific prior art showing of all of applicant's claim limitations, in combination with the remaining claim elements, is respectfully requested.
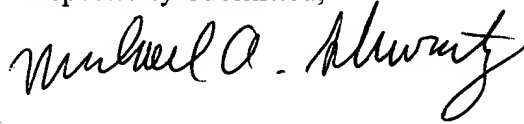
Additional Fees:

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with this application to Deposit Account No. 19-5127 (19903.0003).

Conclusion

In view of the foregoing, all of the Examiner's rejections to the claims are believed to be overcome. The Applicants respectfully request reconsideration and issuance of a Notice of Allowance for all the claims remaining in the application. Should the Examiner feel further communication would facilitate prosecution, he is urged to call the undersigned at the phone number provided below.

Respectfully Submitted,

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